

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

FILED

JAN 17 2006

JAMES JOHNSON

v.

V.A. HOSPITAL

C.A. No. 05-508T

U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

REPORT AND RECOMMENDATION

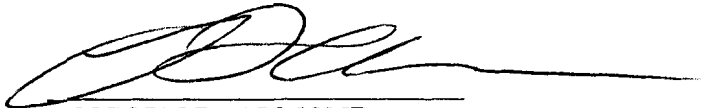
In this matter, the Plaintiff, James Johnson ("Johnson") filed an Application to Proceed Without Prepayment of Fees and Affidavit on December 7, 2005 (the "Application"). (Document No. 2). After a review of the Application, the Court determined that it was incomplete, and issued a Memorandum and Order on December 8, 2005 instructing Plaintiff to submit further documentation by January 9, 2006 or risk having his case dismissed. (Document No. 3). To date, Johnson has not submitted a completed Application, or responded to the Court's Memorandum and Order in any way. Accordingly, pursuant to 28 U.S.C. § 636(b)(1)(B) and D.R.I. Local R. CV 72(a), I recommend that this case be DISMISSED without prejudice to Johnson refiling the case with a properly supported Application or with the complete filing fee as required by the Court.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within ten (10) days of its receipt. See Fed. R. Civ. P. 72(b); D.R.I. Local R. 32. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United

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States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor

Co., 616 F.2d 603, 605 (1st Cir. 1980).



LINCOLN D. ALMOND
United States Magistrate Judge
January 13, 2006

Accepted in the **absence**
of an objection.



Ernest C. Torres
Chief, US District Judge

Date: 2/3/06